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[Signature]
Annita Lise
Dated: August 18, 2003

Patent
Docket No. J25-960 US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : K. DAVIS et al.
Application No. : 10/611,727
Filing Date : July 1, 2003
For : SIZING TAGS
Examiner : n/a
Art Unit : n/a

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

PETITION TO MAKE SPECIAL UNDER 37 C.F.R. §1.102(d)

Sir:

Applicants, by and through their undersigned attorney, petition the Commissioner to make this application special under M.P.E.P. 708.02(VIII).

Applicants and the undersigned represent that a preexamination search has been made by Yan Glickberg, a patent agent and employee of the firm representing the applicants. The search extended to the United States patents in the Patent and Trademark

Office Class classifications as follows:

08/22/2003 AHONDAF1 00000026 10611727

01 FC:1460

130.00 OP

<u>Class</u>	<u>Subclasses</u>
24	3.1, 3.13, 16R, 17R, 17A, 17AP
40	299.01, 640, 642.02, 661.04
D11	216, 218

Applicants hereby submit along with this Petition:

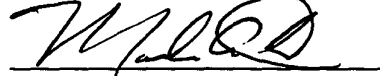
1. A check in the amount of \$130.00 as payment for the petition fee as set forth in 37 C.F.R. §1.17(h). The Commissioner is further authorized to charge or credit Deposit Account No. 14-1431 for any under or overpayment;
2. A document entitled: Statement in Support of Petition to Make Special and Information Disclosure Statement;
3. A list of references on a copy of Form PTO/SB/08A; and
4. One copy of each new reference listed on Form PTO/SB/08A.

Applicants hereby state that they will make an election without traverse in the event that the Office determines that the claims of the application are not all obviously directed to a single invention, pursuant to MPEP 708.2(VIII)(b).

Applicants respectfully submit the invention claimed in the present application is patentable over the references listed on Form PTO/SB/08A.

Prompt and favorable consideration of this Petition is, therefore, respectfully requested.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'M. Conklin', written over a horizontal line.

Mark A. Conklin

Reg. No. 39,148

Attorney for Applicants

(845) 359-7700

Dated: August 18, 2003

NOTARO & MICHALOS P.C.

100 Dutch Hill Road, Suite 110

Orangeburg, New York 10962-2100

Customer No. 21706



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STATEMENT IN SUPPORT OF PETITION TO MAKE SPECIAL

AND INFORMATION DISCLOSURE STATEMENT

Sir:

In support of the accompanying Petition to Make Special, submitted herewith on Form PTO/SB/08A, is a listing of documents known to applicants and/or their attorney uncovered during preliminary examination searches and deemed most closely related to

the subject matter encompassed by the claim of the present application. This listing of documents is also in compliance with the requirements of 37 C.F.R. §1.56. Copies of the documents listed in Form PTO/SB/08A are also submitted herewith.

Applicants ~~do~~ not waive any rights to take appropriate action to establish patentability over any of the listed documents should they be applied as references against the claim of the present application.

Discussion of the Relevance of the References

Item AA (Bodt) illustrates the design of a rectangular buckle having multiple openings which is otherwise different from the invention.

Item AB (Hunt) teaches a band and fastener for packages in which the fastener is pasted to the band at one end.

Item AC (Ayer) discloses a tag holder having a C-shaped slot at one end of a channel with a window. The channel receives one end of the band, which is fastened to itself over one arm of the C-shaped slot. The other end of the band is fastened in a loop around the arm of the C-shaped slot. The tag holder is clearly different from the invention.

Item AD (Kolibas) describes a package tie including sliding clasps with two rectangular slots for holding straps of the package tie in a generally known manner. The clasps are otherwise distinguishable from the invention claimed by applicants.

Item AE (Dietsche) demonstrates an article display retainer formed by one or more strips having a slot at one end and a corresponding tab at the other. The retainer is distinguishable from the strap and tag of the invention.

Item AF (Glisson) discloses a strap for a package having a binder or locking portion, but which is otherwise different from the claimed invention of the application.

Item AG (Stockman) teaches a package tie having a slot through its center for receiving both ends of a strap at one face of a package. The strap ends are folded over one side of the package tie and secured between the tie and the strap. The strap and tie have obvious differences with the invention.

Items AH (Steele) and AJ (Steele) each describe a band for holding a shirt in folded condition using different fasteners on the band. The bands do not include a tag and are thus distinguishable from the invention.

Item AI (Freysinger) discloses a belt buckle including a changeable insignia member attached to a tongue of the buckle. The insignia can be selected by a user or wearer of the belt buckle, and is distinguishable from the strap and tag of the invention.

Item AK (Vaisey) teaches a belt buckle having initial letters on the exposed side, and is otherwise different from the claimed invention.

Item AL (Katzman) relates a belt buckle with means for mounting indicia to the surface, and is different from the invention.

Item AM (Derrickson) discloses a buckle for easily increasing the tension of a packaging strap and is clearly distinguishable from the invention.

Item AN (Voice) illustrates a garment label for securing to the cuff of a pants leg bearing information relating to the garment, but is otherwise different from applicants' invention.

Item AO (Smith) describes a secure patient identification tag having a strap and fastener for attaching in a loop about a wrist, but has clear differences with the claimed invention.

Item AP (Nesbitt) teaches a buckle having a removable plate bearing an indicia. The buckle is attachable to a strap for use as a bracelet or belt, and is distinguishable from the invention.

Item AQ (Willoughby) discloses a clamp for securing over the ends of garments, such as a pair of socks, and bearing an indicia relating to the garments. The clamp is distinguishable from the strap and tag and method of the invention.

Item AR (Banks) illustrates a rectangular clasp having a pair of slot openings, but is otherwise different from the invention.

Item AS (Horian) describes a securement band which is distinguishable from the band and sizing tag of the invention.

Item AT (Crisanti) teaches a document and file organizer in the form of an adjustable band forming a loop for binding documents. The band has a space for writing a file name or other identifying indicia, but is otherwise distinguishable from the claimed invention.

Item AU (Marvy) disclose a film holder strap and identifier in which the identifier is a generally rectangular sheet with slot openings at either end for receiving the strap. The identifier is large relative to the sides of the stack of film holders the strap is holding, and it is positioned over the top surface of the top film holder. Piling several stacks will cover the identifier. Thus, there are differences with the invention claimed by applicants.

Item AV (Hsiung) shows a packing strap fastener having a rectangular buckle with two slot openings and a key with a pair of blades. The ends of a strap are each looped through a corresponding one of the slot openings and the key blades are inserted through each strap loop. The straps are tightened below the buckle around the key. The strap fastener and method of fastening the strap are easily distinguishable from the invention.

Item AX (Slavin) teaches a reusable plastic banding strap having a plastic sleeve at one end for receiving indicia, and is otherwise different from the applicants' invention.

Item AY (Pedrazzini) discloses a patient ID device which clamps around a wrist bracelet. The device includes space for a patient's name, and a space for recording digitized data, and is distinguishable from the invention of the present application.

Item AZ (Bracken, Jr.) illustrates an indicia strip for folded articles, such as pants which is adhered over a fold in the garment so that the indicia is visible when several articles are stacked. The indicia strip is otherwise very different from the invention.

Item BA (Patton) discloses a belt buckle with an insert display, but is otherwise plainly different from the invention.

Item BB (Srivastava) teaches a wrap belt having a square buckle with two rectangular slots for receiving the belt, and is distinguishable from the invention.

REMARKS:

Applicants submit that the sizing tag and method claimed in the present application are distinguishable over the references discussed above. Due to the differences between the structure and method of applicants' claimed sizing tag system, and the devices and procedures taught in the cited references, applicants' invention is believed to be patentable over the references discussed above.

This statement should not be construed as a representation that more material information does not exist or that an exhaustive search of the relevant art has been made.

Consideration of the cited documents and making the same of record in the prosecution of the above-noted application are respectfully requested. Prompt consideration of these documents in regard to the concurrently-filed Petition to Make Special is also respectfully requested.

Favorable action is respectfully requested.

Respectfully submitted,



Mark A. Conklin
Reg. No. 39,148
Attorney for Applicants
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